

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)

This document relates to:

August Bernaerts, et al. v. Islamic Republic of Iran, No. 1:19-cv-11865 (GBD) (SN)

**PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL FINAL JUDGMENT FOR
DAMAGES FOR PLAINTIFF RACHEL UCHITEL**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and the Declarations of Jerry S. Goldman, Esq. (“Goldman Declaration”), Ethan Greenberg, Esq., Rachel Uchitel, Susan Bishop, and Alison Goodman, with the exhibits appended relating to damages, the plaintiff in the above-referenced matters who is identified in annexed Exhibit A to the Goldman Declaration (the “Moving Plaintiff”), by and through their counsel, Anderson Kill P.C., respectfully moves this Court for an ORDER:

- (1) awarding the Moving Plaintiff a judgment as to damages in the same amount previously awarded by this Court to various similarly situated plaintiffs in *O'Neill, Burnett, Havlish, Ashton, Bauer*, and other cases; AND,
- (2) determining that Rachel Uchitel is the functional equivalent of a spouse of Andrew O’Grady, who died in the Terrorist Attacks on September 11, 2001; AND,
- (3) awarding solatium damages to the Moving Plaintiff in the amount of \$12,500,000, as set forth in annexed Exhibit A; AND,

- (4) awarding the Moving Plaintiff prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages; AND,
- (5) granting the Moving Plaintiff permission to seek punitive damages, economic damages, and other appropriate damages at a later date; AND,
- (6) granting permission for all other Plaintiffs in these actions not appearing in annexed Exhibit A to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed;

AND

- (7) granting the Moving Plaintiff such other and further relief as this Honorable Court deems just and proper.

Plaintiffs' request is made in connection with the judgment on default as to liability entered against Iran as follows:

CASE NAME	CASE NO.	DATE MOTION FOR LIABILITY WAS FILED	ECF NO. FOR MOTION FOR LIABILITY THAT WAS FILED	DATE MOTION FOR LIABILITY WAS GRANTED	ECF NO. FOR MOTION FOR LIABILITY THAT WAS GRANTED
<i>August Bernaerts, et al. v. Islamic Republic of Iran</i>	No. 1:19-cv-11865 (GBD) (SN)	11/12/2021	ECF No. 7329	01/04/2022	ECF No. 7522

Dated: New York, New York
May 31, 2023

Respectfully submitted,

/s/ Jerry S. Goldman

ANDERSON KILL P.C.

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